

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

STATE OF NEW MEXICO, *ex rel.*
State Engineer

Plaintiff,

vs.

RAMON ARAGON, *et al.*,

Defendants.

69cv07941 BB-ACE

RIO CHAMA STREAM SYSTEM
Section 7: Rutherford & Plaza Blanca,

MOTION TO SET ASIDE ENTRY OF DEFAULT

COMES NOW the Plaintiff State of New Mexico, *ex rel.* State Engineer (“State”) and pursuant to Fed. R. Civ. P. 55(c) respectfully requests the Court to set aside the entry of default of the for the following defendants in the Rutherford and Plaza Blanca subsection of Section 7:

Norbert C. Lopez CHRU-003-0004
 CHRU-004-0001

Virginio R. Martinez CHRU-003-0005
 CHRU-004-0002

Antonia Mecure CHRU-004-0011

Jose de la Luz Mecure CHRU-004-0024

As grounds therefore Plaintiff states:

1. The Clerk’s Certificate of Default with respect to the above-named defendants was entered on January 18, 2005 (Docket No. 7715).
2. The above-named defendants have recently contacted the State to discuss the State’s offer concerning their water rights in Section 7. They have signed the State’s proposed Consent Order

and forwarded the approved order to the State, or they have requested that the State send them an additional copy of the proposed order to review.

3. Good cause exists to set aside the entry of default with respect to the defendants named above.

WHEREFORE, the Plaintiff State of New Mexico *ex rel.* State Engineer requests the Court to set aside the entry of default for defendants Norbert C. Lopez, Virginio R. Martinez, Antonia Mecure and Jose de la Luz Mecure.

DATED: July 12, 2005

Respectfully submitted,

/s/ Ed Newville
EDWARD G. NEWVILLE
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CERTIFICATE OF SERVICE

I hereby certify that copies of the above Motion to Set Aside Entry of Default were mailed to following persons on July 13, 2005.

/s/ Ed Newville
Edward G. Newville

RIO CHAMA SECTION 7 SERVICE LIST

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